



MAY 13 2008

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One Johnson Drive
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In Re: Patent Term Extension
Application for
U.S. Patent No. 6,248,775

NOTICE OF FINAL DETERMINATION

A determination has been made that U.S. Patent No. 6,248,775, which claims the human drug product PREZISTA® (darunavir ethanolate), is eligible for patent term extension under 35 U.S.C. § 156. The period of extension has been determined to be 718 days.

A single request for reconsideration of this final determination as to the length of extension of the term of the patent may be made if filed within one month of the date of this notice. Extensions of time under 37 CFR § 1.136(a) are not applicable to this time period. In the absence of such request for reconsideration, the Director will issue a certificate of extension, under seal, for a period of 718 days.

The period of extension has been calculated using the Food and Drug Administration determination of the length of the regulatory review period published in the Federal Register of May 25, 2007 (72 Fed. Reg. 29335). Under 35 U.S.C. § 156(c):

$$\begin{aligned}\text{Period of Extension} &= \frac{1}{2} (\text{Testing Phase}) + \text{Approval Phase} \\ &= \frac{1}{2} (1070 - 0) + 183 \\ &= 718 \text{ days (2.0 years)}\end{aligned}$$

Since the regulatory review period began January 19, 2003, after the patent issued (June 19, 2001), the entire regulatory review period has been considered in the above determination of the length of the extension period 35 U.S.C. § 156(c). No determination of a lack of due diligence under 35 U.S.C. § 156(c)(1) was made.

Neither the limitations of 35 U.S.C. § 156(g)(6) nor 35 U.S.C. § 156(c)(3) operate to reduce the period of extension determined above.

Upon issuance of the certificate of extension, the following information will be published in the Official Gazette:

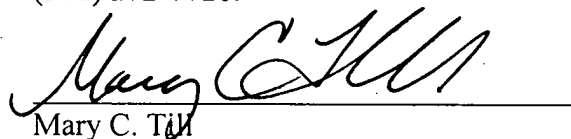
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|------------------|---------------|
| U.S. Patent No.: | 6,248,775 |
| Granted: | June 19, 2001 |

Original Expiration Date¹: August 25, 2012
Applicant: Micheal L. Vasquez, *et al.*
Owner of Record: G.D. Searle LLC
Title: α - and β -Amino Acid Hydroxylethylamino Sulfonamides
Useful as Retroviral Protease Inhibitors
Product Trade Name: PREZISTA® (darunavir ethanolate)
Term Extended: 718 days
Expiration Date of Extension: August 13, 2014

Any correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Hatch-Waxman PTE By FAX: (571) 273-7728
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Telephone inquiries related to this determination should be directed to Raul Tamayo at (571) 272-7728.



Mary C. Till
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Office of Regulatory Policy RE: PREZISTA® (darunavir
Food and Drug Administration ethanolate)
10903 New Hampshire Ave., Bldg. 51, Rm. 6222 FDA Docket No.: 2006E-0502
Silver Spring, MD 20993-0002
Attention: Beverly Friedman

¹Subject to the provisions of 35 U.S.C. § 41(b).